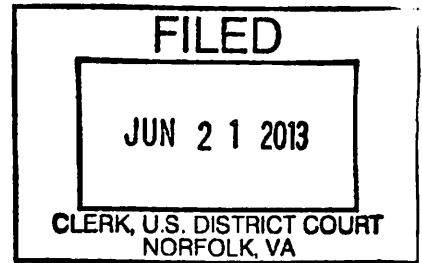


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



RUDOLPH LEWIS DUDLEY, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 4:12cv174

**CAROLYN W. COLVIN,
Commissioner of Social Security,**

Defendant.

ORDER

Before the Court is Plaintiff Rudolph Lewis Dudley, Jr.'s ("Plaintiff") action seeking judicial review of the final decision of the Social Security Administration denying Plaintiff's claim for disability benefits pursuant to 42 U.S.C. § 1383(c)(3) and 405(g), filed on August 24, 2010. Defendant Carolyn W. Colvin, Commissioner of the Social Security Administration ("Defendant") has filed a Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 41(b).

On February 8, 2013, this matter was referred to United States Magistrate Judge Doug E. Miller ("Magistrate Judge Miller"), pursuant to 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure, for a report and recommendation. On February 11, 2013, Magistrate Judge Miller ordered Plaintiff to file a Motion for Summary Judgment with a supporting Memorandum of Law by March 13, 2013. Plaintiff failed to file his Motion for Summary Judgment before the deadline imposed by the Court and Defendant filed a Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 41(b) on March 28, 2013. Plaintiff failed to respond to Defendant's Motion for Dismiss. On April 19, 2013,

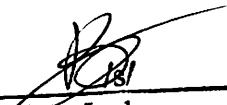
Magistrate Judge Miller issued a Show Cause Order directing Plaintiff to show cause as to why his Complaint should not be dismissed for failure to prosecute or to comply with the Rules and Order of the Court. On April 30, 2013, Plaintiff filed a Motion for Extension of Time to File the Motion for Summary Judgment. In an Order dated May 2, 2013, Magistrate Judge Miller granted Plaintiff's Motion, extending Plaintiff's time to file a Motion for Summary Judgment to May 16, 2013. However, Plaintiff failed to file his Motion for Summary Judgment by the May 16 deadline and has not filed any further documentation with the Court.

On May 21, 2013, Magistrate Judge Miller filed his report recommending that the Defendant's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(b) be **GRANTED** and that Plaintiff's Complaint be **DISMISSED**. The Report also advised the parties of their right to file written objections to the findings and recommendations made by the Magistrate Judge Miller. The clerk mailed all of the parties copies of the Report. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby **ACCEPT** and **ADOPT** the findings and recommendations set forth in the report of the United States Magistrate Judge Miller filed May 21, 2013, and it is, therefore **ORDERED** that Defendant's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(b) is **GRANTED**, and Plaintiff's case is **DISMISSED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the parties.

IT IS SO ORDERED.



Raymond A. Jackson
United States District Judge

Norfolk, Virginia
June 20, 2013